



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,986	03/17/2000	Robert Giannini	JARB.005PA	4342

7590

07/02/2002

Crawford PLLC
1270 Northland Drive
Suite 390
St Paul, MN 55120

EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,986

Applicant(s)

GIANNINI, ROBERT

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

The disclosure is objected to because of the following informalities:

Reference number 112 is used to designate an "Intelligent black box" on page 4, line 12. Reference number 113 is used to designate an "Intelligent black box" on page 4, line 27.

Appropriate correction is required.

Claim Objections

Referring to claims 1-10. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

Referring to claims 2 and 3. Claims 2 and 3 recites the limitation "Partial data sets." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-10 are rejected under 35 U.S.C. 103(a) as being anticipated by
Rose U.S. Patent No. 5,930,769, in view of Dodd U.S. Patent No. 6,321,211.**

Referring to claim 1. Rose discloses a method equivalent to a method for on-line viewing of an article on another structure (at least Abstract), comprising:

- Providing a host-site accessible to an on-line viewer and web-linkable to at least one article-provider site (at least column 1, lines 53-64), the article provider-site having images of articles for view via the web (at least Fig. 4);
- Linking the on-line viewer to the host-site and selecting a structure in response to a command received by the on-line viewer (at least Fig. 5); and
- Using the host-site, linking the viewer to the at least one article-provider site and passing images from that site for view by the on-line viewer; generating a new image by merging representations of the different ones of the articles with the structure by forming an image of a merged item including

Art Unit: 3625

representations of both the structure and the selected article (at least column 2, lines 3-9).

Rose does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- Communicating the item electronically to another site for a selection, which causes a billing to another site.

Dodd discloses a method for on-line viewing of an article on another structure (at least Abstract), comprising:

- Communicating the item electronically to another site for a selection, which causes a billing to another site (at least column 3, lines 28-50 and column 9, lines 49-67).

At the time the invention was made, it would be obvious to a person of ordinary skill in the art to modify the system of Rose to include the limitations of Dodd as discussed above in order to facilitate the growth of an interactive electronic shopping system based on customer specific product information.

Referring to claims 2 and 7. Rose in view of Dudd discloses a method and arrangement according to claims 1 and 6 as indicated. Rose further discloses a method wherein the partial data sets include a size code (at least column 3, line 18 to column 4, line 44).

Referring to claim 3. Rose in view of Dudd discloses a method and arrangement according to claim 1. Rose further discloses a method wherein the partial data sets include a code identifying a style (at least column 6, line 65 to column 7, line 23).

Referring to claim 4. Rose discloses an arrangement equivalent to an arrangement for on-line viewing of an article on another structure (at least Abstract), comprising:

- Means for providing a host computer accessible to an on-line viewer and web-linkable to at least one article-provider site, the article provider-site having images of articles for view via the web (at least Fig. 3 and Fig. 4);
- Means for linking the on-line viewer to the host-site and selecting a structure in response to a command received by the on-line viewer (at least Fig. 3 and Fig. 5);
- Using the host computer, means for linking the viewer to the at least one article-provider site and passing images from that site for view by the on-line viewer (at least Fig. 3 and Fig. 4); and
- Means for generating a new image by merging representations of the different ones of the articles with the structure by forming an image of a merged item including representations of both the structure and the selected article (at least column 2, lines 3-9).

Rose does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- Communicating the merged item electronically to another site for a selection, which causes a billing to another site; and
- Means for closeting partial-data sets respectively corresponding to different ones of the articles.

Dodd discloses a method for on-line viewing of an article on another structure (at least Abstract), comprising:

- Communicating the item electronically to another site for a selection, which causes a billing to another site (at least column 3, lines 28-50 and column 9, lines 49-67).
- Means for storing partial-data sets respectively corresponding to different ones of the articles.

At the time the invention was made, it would be obvious to a person of ordinary skill in the art to modify the system of Rose to include the limitations of Dodd as discussed above in order to facilitate the growth of an interactive electronic shopping system based on customer specific product information.

Referring to claim 5. Rose discloses a method equivalent to a method for on-line viewing of an article on another structure (at least Abstract), comprising:

- Providing a host-site accessible to an on-line viewer and web-linkable to at least one article-provider site (at least column 1, lines 53-64), the article provider-site having images of articles for view via the web (at least Fig. 4);
- Linking the on-line viewer to the host-site and selecting a structure in response to a command received from the on-line viewer (at least Fig. 5); and
- Merging a selected one of the articles with the structure by forming an image of a merged item including representations of both the structure and the selected article (at least column 2, lines 3-9).

Art Unit: 3625

Rose does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- Electronically gifting the merged item to another site; and
- Using the host-site, linking the viewer to the at least one article-provider site and passing at least one image to a virtual storage closet at that site for view by the on-line viewer (at least Fig. 2F and column 2, lines 13-34).

Dodd discloses a method for on-line viewing of an article on another structure, comprising:

- Electronically gifting the merged item to another site (at least Abstract); and
- Using the host-site, linking the viewer to the at least one article-provider site and passing at least one image to a memory storage device closet at that site for view by the on-line viewer for use during a subsequent access to the host-site (at least Fig. 2F and column 2, lines 13-34).

Dodd does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- Using the host-site, linking the viewer to the at least one article-provider site and passing at least one image to a virtual storage closet at that site for view by the on-line viewer.

Examiner takes official notice the fact that a virtual storage closet is known in the bearing art to be equivalent to a memory storage device for use in electronic commerce systems. To substitute a virtual storage closet with a memory storage device would have been an obvious functional equivalent. Accordingly, it would have been obvious to

one of ordinary skill in the art to modify the system of Rose to include the limitations of Dodd together with the virtual storage closet substitute in view of its closely related configuration and resulting functionality expectation in order to facilitate the growth of an interactive electronic shopping system based on customer specific product information.

Referring to claim 6. Rose discloses an arrangement equivalent to an arrangement for on-line viewing of an article on another structure (at least Abstract), comprising:

- A communication link (at least Abstract);
- A host-site accessible to an on-line viewer over the communication link and web-linkable to at least one article-provider site (at least Fig. 4), the article provider-site having images of articles for view via the web (at least Fig. 4), the communication link configured and arranged to link the on-line viewer to the host-site and the select a structure in response to a command received from the on-line viewer (at least Fig. 5), the host-site linking the viewer to the at least one article-provider site and passing images from that site for view by the on-line viewer (at least Fig. 4); and
- A new image of a merged item composed of merged representations of the different ones of the articles and the structure (at least column 2, lines 3-9).

Rose does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- A virtual closet for storing partial-data sets respectively corresponding to different ones of the articles; and

Art Unit: 3625

- A memory containing an image and means for electronically gifting the merged item to another site.

Dodd discloses a method for on-line viewing of an article on another structure, comprising:

- A memory storage device for storing partial-data sets respectively corresponding to different ones of the articles (at least column 2, lines 13-34); and
- A memory containing an image (at least column 2, lines 13-34) and means for electronically gifting the merged item to another site (at least Abstract).

Dodd does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- A virtual closet for storing partial-data sets respectively corresponding to different ones of the articles; and

Examiner takes official notice the fact that a virtual closet is known in the bearing art to be equivalent to a memory storage device for use in electronic commerce systems. To substitute a virtual closet with a memory storage device would have been an obvious functional equivalent. Accordingly, it would have been obvious to one of ordinary skill in the art to modify the system of Rose to include the limitations of Dodd together with the virtual closet substitute in view of its closely related configuration and resulting functionality expectation in order to facilitate the growth of an interactive electronic shopping system based on customer specific product information.

Referring to claim 8. Rose in view of Dudd discloses an arrangement according to claim 6 as indicated supra. Rose in view of Dudd does not expressly disclose an arrangement configured and arranged to limit a maximum amount of storage space in the memory storage device provided for the on-line viewer. Examiner takes official notice that a memory storage device having a maximum limit to accessible storage space is an inherent component of a memory storage device, and does not substantially distinguish the claimed invention.

Referring to claim 9. Rose discloses a method equivalent to a method for on-line viewing of an article on another structure (at least Abstract), comprising:

- Providing a host-site accessible to an on-line viewer and web-linkable to at least one article-provider site, the article provider-site having images of articles for view via the web (at least column 1, lines 53-64 and column 2, lines 3-9);
- Linking the on-line viewer to the host-site and selecting a structure in response to a command received by the on-line viewer (at least Fig. 3);
- Using the host-site, linking the viewer to the at least one article-provider site and passing at least one image from a virtual storage closet at that site for view by the on-line viewer (at least Fig. 4); and
- Merging a selected one of the articles with the structure by forming an image of a merged item including representations of both the structure and the selected article (at least column 2, lines 3-9).

Art Unit: 3625

Rose does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- Electronically gifting the merged item to another site.

Dodd discloses a method for on-line viewing of an article on another structure, comprising:

- Electronically gifting the merged item to another site (at least Abstract).

At the time the invention was made, it would be obvious to a person of ordinary skill in the art to modify the system of Rose to include the limitations of Dodd as discussed above in order to facilitate the growth of an interactive electronic shopping system based on customer specific product information.

Referring to claim 10. Rose discloses a method equivalent to a method for on-line viewing of an article on another structure (at least Abstract), comprising:

- Providing a host-site accessible to an on-line viewer and web-linkable to at least one article-provider site (at least column 1, lines 53-64 and column 2, lines 3-9), the article provider-site having images of articles for view via the web (at least Fig. 3);
- Linking the on-line viewer to the host-site and selecting a structure in response to a command received by the on-line viewer (at least Fig. 6); and
- Merging a selected one of the articles with the structure by forming an image of a merged item including representations of both the structure and the selected article (at least column 2, lines 3-9).

Art Unit: 3625

Rose does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- Electronically gifting the merged item to another site; and
- Using the host-site, linking the viewer to the at least one article-provider site and passing at least one image to a virtual storage closet at that site for view by the on-line viewer for use during a subsequent access to the host-site.

Dodd discloses a method for on-line viewing of an article on another structure, comprising:

- Electronically gifting the merged item to another site (at least Abstract); and
- Using the host-site, linking the viewer to the at least one article-provider site and passing at least one image to a memory storage device closet at that site for view by the on-line viewer for use during a subsequent access to the host-site (at least Fig. 2F and column 2, lines 13-34).

Dodd does not expressly disclose a method for on-line viewing of an article on another structure, comprising:

- Using the host-site, linking the viewer to the at least one article-provider site and passing at least one image to a virtual storage closet at that site for view by the on-line viewer for use during a subsequent access to the host-site (at least Fig. 2F and column 2, lines 13-34).

Examiner takes official notice the fact that a virtual storage closet is known in the bearing art to be equivalent to a memory storage device for use in electronic commerce systems. To substitute a virtual storage closet with a memory storage device would

Art Unit: 3625

have been an obvious functional equivalent. Accordingly, it would have been obvious to one of ordinary skill in the art to modify the system of Rose to include the limitations of Dodd together with the virtual storage closet substitute in view of its closely related configuration and resulting functionality expectation in order to facilitate the growth of an interactive electronic shopping system based on customer specific product information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Korszun, U.S. Patent No. 5,680,528, Oct. 21, 1997; discloses a digital dressing room

Hindustan Lever Limited, WO 01/04840, July 7, 1999; discloses a virtual makeover method.

Patterson et al., U.S. Patent No. 5,680,314, Oct. 21, 1997; discloses a garment sizing system.

"Compucloz Corporation announces the launch of IMAGINA DIGITAL KAEVER SYSTEM," Press Release, New Haven, Connecticut, February 5, 1998; discloses a software program for face, hair, and wardrobe makeovers.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone

Art Unit: 3625

numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MSG

June 19, 2002



WAYNE W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600